IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 32 OF 2004

Manoj Madhav Basalt ..Petitioner

versus

1. Mrs. Sherpa M. Basalt

2. The State of Maharashtra ..Respondents

Mr. Santosh Raje for the Petitioner.

Mr. S. D. Patil for Respondent No.1.

Mr. A. S. Gadkari, A.P.P. for the Respondents.

CORAM : A.M. KHANWILKAR,J.

DATE : 20TH OCTOBER 2004.

P.C. :

. Heard learned counsel for the parties. The only grievance made before this court is that the courts below have not considered the material fact that the respondent No.1 is already provided with maintenance in divorce proceedings as well as maintenance and adoption proceedings. That amount was sufficient to take care of the requirement of the respondent No.1, and no further maintenance under Section 125 of the Code ought to have been granted. I find no substance in these submissions. The Revisional court has adverted to these aspects and still preferred to maintain the

order passed by the trial court awarding maintenance to be paid at the rate of Rs.1,500/= per month by the petitioner to the respondent No.1 under Section 125. Counsel for the petitioner also relied upon the decision of Madhya Pradesh High Court reported in II (2000)DMC 170 in the case of Smt. Mamta Jaiswal vs. Rajesh Jaiswal. However, to my mind, the ratio laid down in the said decision has no application to the fact situation of the present case and to the arguments which is canvassed before this court. No indulgence is warranted in exercise of writ jurisdiction. Dismissed.

A.M. KHANWILKAR, J.